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## COMMENT ON THE BIRD NAMES IN KERR'S "ANIMAL KINGDOM"

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I have examined this work and also read J. A. Allen's article on the subject as it relates to mammals. I do not see how it can be doubted that (in the absence of exercise of the plenary powers to suppress) Kerr's book is an available and binominal work under the Code. In fact it purports to be merely a translation of Gmelin's edition of the *Systema Naturae* of Linnaeus, with some modification and additions. So far as concerns the incomplete part dealing with birds, Kerr states in his introduction to that part that he has added genera (and doubtless species) from Latham's Index. As both Gmelin's *Systema* and Latham's Index are among the best known early binominal works relating to birds after Linnaeus, Kerr's work is hard to question.

Let me say, however, that I do not know any bird name credited to Kerr in the American avifauna, and Dr. Charles Vaurie, an expert on Palaearctic birds, tells me that he knows no palaearctic generic or specific name credited to him. This, I suspect, is because all his bird names are taken from earlier binominal authors, Linnaeus, Gmelin, or Latham, particularly. While I have glanced through the book, let me make it clear that I have not attempted to compare every name used for a bird with the current names, to determine whether some of his names might not perhaps have priority. One reason I think this is unnecessary, is that the fifty year statute of limitations (Art. 23b) would invalidate such names that have never been used for over 170 years, at least if a junior synonym was in current use. Moreover, according to his introduction, Kerr claimed no originality regarding his bird part, but stated that he had merely split some of the Linnaean orders, as others had done, and shifted a few genera. So I think it unlikely that Kerr's bird part will prove bothersome. If some individual case should arise not covered by Art. 23b which interferes with stability, that may be dealt with individually. If there were no 23b Vaurie and I might be in favour of suppressing the work, but we feel that under the circumstances recognizing its availability under the Code will do no harm, and avoids the need of exercising the plenary powers.